

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHENIA DANCY-STEWART,)	
Plaintiff,)	
)	
v.)	C.A. No. 05-11803-MLW
)	
THOMAS TAYLOR, Jr., ET AL.,)	
Defendants.)	

ORDER

WOLF, D.J. February 26, 2008

For the reasons stated in court on February 25, 2008, it is hereby ORDERED that:

1. The defendants shall issue a subpoena scheduling a deposition of Maria DeRosa¹ for March 5, 2008. Ms. DeRosa shall appear for this deposition at the time and place stated in the subpoena. Any failure to do so may be deemed a civil and/or criminal contempt potentially subjecting Ms. DeRosa to a fine, imprisonment, or both.

2. By March 3, 2008, the defendants shall serve personally on Ms. DeRosa: the subpoena scheduling the March 5, 2008 deposition, a copy of this Order, the subpoena for Ms. DeRosa's February 21, 2008 deposition, and a copy of the court's February 5, 2008 Order regarding Ms. DeRosa. The defendants shall, by March 4, 2008, file notice with the court regarding whether such service was accomplished.

¹ Prior filings in this case have used the spelling "DaRosa." The court now believes that "DeRosa" is the proper spelling of the witness' last name.

3. By March 7, 2008, the defendants shall file a status report informing the court whether Ms. DeRosa appeared for her March 5, 2008 deposition. If Ms. DeRosa does not appear for her March 5, 2008 deposition, the defendants shall also address:

a) whether the defendants wish to proceed with civil contempt proceedings against Ms. DeRosa based on her failure to comply with the February 5, 2008 Order compelling her attendance at her deposition on February 21, 2008; and

b) whether the defendants wish to institute civil and/or criminal contempt proceedings against Ms. DeRosa based on her failure to comply with this Order compelling her attendance at her March 5, 2008 deposition.

4. If Ms. DeRosa does not appear for her March 5, 2008 deposition:

a) A hearing to determine whether she should be held in civil contempt will be held on March 13, 2008 at 1:00 p.m. Ms. DeRosa and counsel for the defendants and plaintiffs in this matter shall attend the hearing;

b) The defendants shall, by March 10, 2008, subpoena Eduardo Masferrer, an attorney formerly representing Ms. DeRosa, to testify at the March 13, 2008 contempt hearing and file a memorandum addressing whether the attorney-client privilege protects communications Mr. Masferrer may have had with Ms. DeRosa concerning the Orders directed to her; and

c) Any motions to quash the subpoena to Mr. Masferrer, either by Mr. Masferrer or by the plaintiff, and supporting memoranda, shall be filed by 12:00 noon on March 12, 2008.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE